

JAN 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kevin Doll Docket No.: END0887USCIP
Application No. : 10/687,503 Filed: 10/15/2003
Group/Art Unit : 9046 Examiner: Gloria Weeks

Title : **SURGICAL STAPLING INSTRUMENT HAVING A
SINGLE LOCKOUT MECHANISM FOR PREVENTION OF FIRING**

I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent And Trademarks Office.

/Kimberly M. Moses/ January 18, 2006
Kimberly M. Moses Date

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: 1-703-308-6916

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**REQUEST FOR RECONSIDERATION FOR A PETITION FOR REVIVAL OF AN
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR
1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained. A petition to revive filed on November 3, 2003 was dismissed for failing to supply.

**APPLICANT HEREBY PETITIONS FOR THE REVIVAL OF
THE ABOVE-IDENTIFIED APPLICATION**

Note: A grantable petition required the following items:

- (1) Petition Fee;
- (2) Reply and/or issue fee including a Request for Continued Examination;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

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1. Petition fee

☐ Small entity- fee \$ _____ (37 CFR 1.17(m). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity-fee \$ 1,510.00 (37 CFR 1.17(m))

2. Reply and/or fee:

The reply and /or fee to the above-noted Office including a Request for Continued examination is being filed herewith. (identify type of reply):

☐ has been filed previously on _____

☒ charge the petition fee of \$790.00 to Account 10750/END0887 USCIP1/DLG and for any additional fees required. This form is submitted as one original and two copies.

a. The Issue of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee:

☒ Since the utility/patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith.

4. Statement: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

5. Fee payment:

☒ Charge the petition fee of \$1,330.00 to Account 10-0750 /END0887 USCIP1/DLG and for any additional fee required. A duplicate of this petition is attached.

- ☐ A check in the sum of \$_____ is attached.
- ☒ Charge Account 10-0750 /END0887USCIP1/DLG for any additional fee required.

____/Dean L. Garner/____
Dean L. Garner, Esq.
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Date: January 18, 2006